

25040. Misbranding of Vin. Vigorans and Chalgonia tablets. U. S. v. 10 Bottles of Vin. Vigorans and 10 Packages of Chalgonia Tablets. Default decree of condemnation and destruction. (F. & D. nos. 35334, 35335. Sample nos. 19442-B, 19446-B.)

This case involved drug preparations which were misbranded because of unwarranted curative and therapeutic claims in the labeling. The Vin. Vigorans was further misbranded since its name indicated that it was a wine, whereas it was not a wine.

On April 9, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Vin. Vigorans and 10 packages of Chalgonia tablets at Cincinnati, Ohio, alleging that the articles had been shipped in interstate commerce on or about January 14, 1935, by the LeCompte & Gayle Co., from Frankfort, Ky., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Vin. Vigorans consisted essentially of extracts of plant drugs, including 29 milligrams per 100 milliliters of the alkaloids of quinine and strychnine, an iron compound, glycerin, alcohol, and water; and that the Chalgonia tablets contained in each acetanilid (3.25 grains), sodium bicarbonate (1.55 grains), and starch.

The articles were alleged to be misbranded in that the following statements regarding their curative or therapeutic effects, appearing in the labeling, were false and fraudulent: "Vin. Vigorans A Nerve and Blood Tonic"; "Chalgonia Tablets A Reliable Remedy For * * * Insomnia, Sciatica, * * * etc." Misbranding of the Vin. Vigorans was alleged for the further reason that the statement on the label, "Vin. Vigorans", was false and misleading, since the said statement indicated that the product consisted of wine, whereas it did not consist of wine.

On June 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25041. Misbranding of Hale's Phosphate of Soda Compound and thymol powder. U. S. v. 43 Bottles of Hale's Phosphate of Soda Compound and 10 Bottles of Thymol Powder. Default decrees of condemnation and destruction. (F. & D. nos. 35350, 35351. Sample nos. 29032-B, 29033-B.)

These cases involved two drug preparations, one of which was represented to be a phosphate of soda compound, whereas it consisted essentially of sodium sulphate; and the other of which was represented to be thymol powder, whereas it contained but little thymol and consisted essentially of other substances. The labeling of both products contained unwarranted curative and therapeutic claims.

On April 10, 1935, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 bottles of Hale's Phosphate of Soda Compound and 10 bottles of thymol powder at Dover, N. H., alleging that the articles had been shipped in interstate commerce in part on or about September 24, 1934, and in part on or about February 19, 1935, by the J. V. Hale Co., Inc., from Boston, Mass., and charging misbranding in violation of the Foods and Drugs Act as amended.

Analyses showed that the Hale's Phosphate of Soda Compound consisted essentially of sodium sulphate (39.9 percent), sodium bicarbonate, and tartaric acid with small amounts of sodium phosphate (3.6 percent), potassium sulphate, and lithium citrate; and that the thymol powder consisted essentially of boric acid and ammonia alum with small amounts of phenol, menthol, and thymol.

The articles were alleged to be misbranded in that the statements, "Phosphate of Soda Compound" and "Thymol Powder", respectively, were false and misleading, since the former consisted essentially of sodium sulphate, and the latter contained only a small amount of thymol. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Hale's Phosphate of Soda Compound) "In the treatment of Gout or Rheumatism, or for derangements of the Stomach or Liver, * * * In acute Indigestion, Alcohol Excesses, or * * * when it is advisable to cleanse the entire alimentary tract"; (thymol powder) "Indicated